IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Crl.MC.No. 226 of 2007()

C.M.P.3594 OF 2004 IN CC.145 OF 2006 OF JFCM-II, PALAKKAD

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PETITIONER: ACCUSED.

LOKESH THIVARI, AGED 30,
SON OF N.D.THIVARI, QUARTER NO.15, SANTHUR,
CHANDIGAH.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS: RESPONDENTS.

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1. THE STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

2. SINDHU G., MANAGING PARTNER,
M/S. MATHA TECHNOLOGIES, KRISHNA COMPLEX,
PARALI, PALAKKAD.

3. THE SUB INSPECTOR OF POLICE,
MANAKARA POLICE STATION, PALAKKAD.

4. THE SUB INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.226 of 2007

Dated this the 21st day of February, 2007

ORDER

The petitioner is the 2nd accused in Crime No.97 of 2006 of Mankara Police Station and Crime No.210 of 2006 of Town North Police Station, Palakkad. Both these crimes have been registered under Sections 419 and 420 I.P.C. The petitioner is the accused in C.C.No.145 of 2006 also, pending before the Judicial First Class Magistrate-II, Palakkad. That was a private complaint filed by the 2nd respondent/complainant. When cognizance was taken in C.C.145 of 2006, the petitioner filed an application under Section 210 Cr.P.C. The short contention raised by him was that these 3 cases - Crime Nos.97 and 210 of 2006 and C.C.145 of 2006, do all relate to the same offence and that in these circumstances, the court should not proceed with the private complaint in view of the specific bar under Section 210 Cr.P.C.

2. The learned Magistrate by the impugned order, a copy of which is produced as Annexure-F came to the conclusion that the 3 cases referred above do not relate to the same offence. Accordingly, the said petition under Section 210 Cr.P.C was dismissed and Annexure-F order was passed by the learned Magistrate.

3. The petitioner's grievance is that all these 3 cases relate to the same offence and that in these circumstances, his petition under Section 210 Cr.P.C must have been allowed and further proceedings in C.C.145 of 2006 must have been stayed by the learned Magistrate.

4. At the stage of admission, the learned Public Prosecutor was requested to take instructions. When the matter came up for hearing today, the learned Public Prosecutor submits that Crime No.97 of 2006 of Mankara Police Station has already been referred as per final report dated 31.12.2006 and that Crime No.210 of 2006 of Town North Police Station, Palakkad has also been referred as per the final report dated 30.11.2006.

5. Therefore even if the case of the petitioner that all the 3 cases relate to the same offence were accepted, there is no question of any stay of proceedings by invoking the powers under Section 210 Cr.P.C now. Admittedly investigation in to the other two crimes is already over and negative final reports have been filed by the respective Investigators.

6. That being so, I am satisfied that on admitted facts as exists now, the impugned order, under which an order of stay under Section 210 Cr.P.C was refused, does not call for any interference.

7. This Crl.M.C is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-